



EFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Ikuo KATO et al.

Application No.: 09/937,375

Filed: September 24, 2001

For: GENE THERAPEUTICS

Confirmation No.: 8012

Art Unit: 1635

Examiner: J. Angell

Washington, D.C.

Atty.'s Docket: KATO=18

Date: September 3, 2004

Customer Window, Mail Stop **AMENDMENT**
THE COMMISSIONER OF PATENTS AND TRADEMARKS
Arlington, VA 22202

Sir:

Transmitted herewith is a [XX] **REPLY: AMENDMENT AND REMARKS** in the above-identified application.

[] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted

[] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

[xxx] No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS	
TOTAL	* 3	MINUS	** 50	0
INDEP.	* 1	MINUS	*** 6	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

ADDITIONAL FEE TOTAL

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
x 9	\$		x 18	\$
x 43	\$		x 86	\$
+ 145	\$		+ 290	\$
ADDITIONAL FEE TOTAL			TOTAL	

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- ** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.
- *** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

[]	First	-	\$ 55.00
[]	Second	-	\$ 210.00
[]	Third	-	\$ 475.00
[]	Fourth	-	\$ 740.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

[]	First	-	\$ 110.00
[]	Second	-	\$ 420.00
[]	Third	-	\$ 950.00
[]	Fourth	-	\$ 1480.00

Month After Time Period Set

[] Less fees (\$_____) already paid for ____ month(s) extension of time on _____.

[] Please charge my Deposit Account No. 02-4035 in the amount of \$_____.

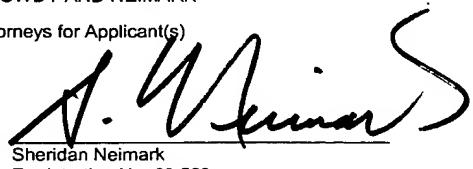
[] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$_____.

[] A check in the amount of \$_____ is attached (check no.).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK

Attorneys for Applicant(s)

By: 
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: KATO=18

In re Application of:) Art Unit: 1635
Ikunoshin KATO et al) Examiner: J. E. Angell
I.A. Appln. PCT/JP00/01533) Washington, D.C.
I.A. Filing Date: 3/14/2000) Confirmation No. 8012
U.S. Appln. No. 09/937,375)
Nationalized: 9/24/2001) September 3, 2004
For: GENE THERAPEUTICS)

REPLY: AMENDMENT AND REMARKS

Customer Window, Mail Stop Amendment
Honorable Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Sir:

Replying to the Office Action mailed June 3, 2004,
please amend as follows:

Amendments to the Claims are reflected in the listing of
claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 3 of this paper.